

Appl. No. 10/616,543
Amdt. dated April 27, 2005
Reply to Office action of December 28, 2004

Remarks/Arguments

A sentence has been added at the beginning of the specification claiming the benefit of Provisional Application Serial No. 60/395,759, filed July 12, 2002. In a telephone discussion on December 30, 2004, Examiner Watkins advised that no petition was necessary since the application forms included a request for benefit of the provisional application, and that the omission would be corrected by inclusion of this sentence.

Claims 1-20 stand rejected as unpatentable under 35 U.S.C. 103(a) over U.S. Patent No. 6,718,714 to Montgomery, Sr. in view of U.S. Patent No. 3,319,392 to Fitzgerald. Reconsideration and withdrawal of the rejection is respectfully requested in view of the above amendments and for the following reasons.

Detectable warning devices for the visually impaired, such as the device claimed in this application, are required to meet strict governmental guidelines that define the configuration of the devices and their overall size. These guidelines are also referenced in the cited Montgomery, Sr. patent. Therefore, it is not surprising that the general appearance of different devices created to address this need bear some overall similarities. However, the issue under 35 U.S.C. 103(a) is whether the differences claimed by applicant are taught or suggested by the prior art. It is respectfully submitted that the claims as submitted herewith include features that are neither taught nor suggested by the cited references.

Specifically, all claims define applicant's invention as a flexible mat that can be rolled into a cylinder. The cited Montgomery, Sr. device, on the other hand, is comprised of a plurality of separate planar sections that are positioned in abutting relationship on a prepared surface. The Montgomery, Sr. device requires onsite installation of abutting tiles that are individually attached to the underlying surface, a time consuming chore requiring a degree of skill. Applicant's invention, on the other hand, can be carried as a rolled up mat to the site, and then simply unrolled over the surface and secured with anchors in the edge openings.

The Fitzgerald patent does not cure the defect of the Montgomery, Sr. patent. Fitzgerald only teaches that ceramic tiles can be joined by flexible joints. The fact that the resultant sheet of inflexible tile can then be rolled for transportation does not result in a flexible mat. Further, there is not suggestion of applying this construction to the sections described by Montgomery, Sr. In fact, Montgomery, Sr. teaches away from such a joinder by noting that an important feature of the invention is the ability to separately replace sections.

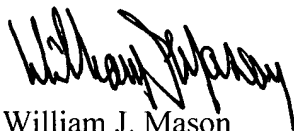
Independent claim 13 is further distinguishable in that the flexible mat is defined as a rectangular, flexible mat having a length of seventy-six inches and a width of forty inches. This limitation clearly defines a single mat as opposed to the multi-sectional mat of Montgomery, Sr.

Finally, independent claim 17 specifies that the flexible mat is constructed of recycled nylon tire-cord, further distinguishing the mat from the cited references. In addition, claim 17 specifies that the mat includes a plurality of aligned and spaced anchor holes along the beveled mat edges, which is another limitation that is neither taught nor suggested by the cited references alone or in combination.

For the forgoing reasons, and in view of the amendments to the claims, it is believed that

this application now defines a patentably distinguishable invention and is accordingly in condition for allowance. Such action is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William J. Mason", written in a cursive style.

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